

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

FEB 28 2018

Clerk, U.S. District Court
District Of Montana
Billings

SLEEEKEZ, LLC,

Plaintiff,

vs.

HAL HORTON, doing business as
Groom Ninja,

Defendant.

CV 16-09-BLG-SPW

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on January 8, 2018. (Doc. 76). Judge Cavan recommends that this Court deny Defendant's Motion in Limine to Exclude Testimony of James Winchell. Judge Cavan also recommends this Court deny Defendant's Motion for Summary Judgment.

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendations for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

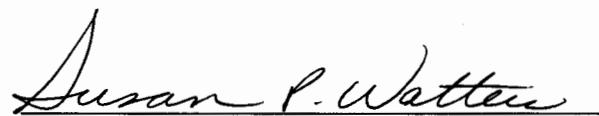
conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 76) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant’s Motion in Limine to Exclude Testimony of James Winchell is DENIED.

IT IS FURTHER ORDERED that Defendant’s Motion for Summary Judgment is DENIED.

DATED this 21st day of February, 2018.


Susan P. Watters
SUSAN P. WATTERS
United States District Judge